

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

**MAURICE ALLEN**

Plaintiff

vs.

**DEERFIELD MFG. INC.,  
A SUBSIDIARY OF  
ICE INDUSTRIES**

Defendant

**CASE NO.** 1:02cv492

Judge Spiegel

Magistrate Judge Hogan

**PLAINTIFF'S MOTION FOR  
EXTENSION OF TIME**

Now comes Plaintiff, and for the reasons set forth in the attached memorandum, requests an extension of ten days to file his memorandum in opposition to Defendant's motion for summary judgment. Counsel for Plaintiff attempted to contact counsel for Defendant on November 10, 2003 to discuss this motion but was unable to speak with her.

Respectfully submitted,

s/ David Torchia  
David Torchia -- 0015962  
Tobias, Kraus & Torchia  
911 Mercantile Library Bldg.  
414 Walnut Street  
Cincinnati, Ohio 45202  
(513) 241-8137  
Attorney for Plaintiff

**MEMORANDUM**

Defendant filed a motion for summary judgment on October 17, 2003.  
Plaintiff's memorandum in opposition is due November 10, 2003.

Counsel for Appellant has been pressed with other matters including preparation of a motion for summary judgment in a class action with an anticipated due date of October 31, 2003; a response to a motion to dismiss in another case due November 5, 2003; a surreply memorandum due on November 7, 2003 in the Southern District of Indiana, and preparation for a three-day arbitration scheduled to begin on November 12, 2003.

In light of the foregoing, Appellant requests an extension of ten days, until November 20, 2003, to file his memorandum in opposition to Defendant's motion for summary judgment.

Respectfully submitted,

s/ David Torchia  
David Torchia -- 0015962  
Tobias, Kraus & Torchia  
911 Mercantile Library Bldg.  
414 Walnut Street  
Cincinnati, Ohio 45202  
(513) 241-8137  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document has been filed electronically and served by ordinary U.S. Mail to Renisa A. Dorner, Wise & Dorner, Ltd., 151 N. Michigan Street, Suite 333, Toledo, Ohio 43604 on November 10, 2003.

s/ David Torchia

David Torchia -- 0015962